

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

IVAN G. MYERS PLAINTIFF
vs. CIVIL ACTION NO. 5:09cv121-DCB-RHW
MICHAEL J. ASTRUE, DEFENDANT
COMMISSIONER OF SOCIAL SECURITY

ORDER

This cause came on this date to be heard upon the Report and Recommendation of the Chief United States Magistrate Judge, after referral of hearing by this Court, and there being no objections thereto filed by either party, and the Court, having fully reviewed the Report and Recommendation of the Chief United States Magistrate Judge entered in this cause, and being duly advised in the premises, finds that said Report and Recommendation should be adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of Chief United States Magistrate Judge John M. Roper be, and the same is hereby adopted as the finding of this Court, and that Plaintiff Ivan G. Myers' Motion [10-1] for Summary Judgment is DENIED in part and GRANTED in part, and Defendant's Motion [13-1] to Affirm the Decision of the Commissioner is GRANTED in part and DENIED in part.

FURTHER, ORDERED that the Commissioner's "final decision" in regards to Plaintiff's physical impairments is hereby AFFIRMED and the Commissioner's decision with regards to Plaintiff's mental impairments is REVERSED and REMANDED to the

Commissioner of Social Security in order that the Commissioner comply with the requirements of section 404.1520a.

SO ORDERED, this the 28th day of March, 2011.

s/ David Bramlette

UNITED STATES DISTRICT JUDGE